

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DARRELL M. HEATH	:	CIVIL ACTION
	:	
v.	:	NO. 24-1090
	:	
PDP COMMISSIONER, MEDICAL DIRECTOR, PAROLE CHARIMAN	:	
	:	

ORDER

AND NOW, this 10th day of May 2024, having granted Plaintiff leave to proceed without paying the filing fees (ECF No. 5), now screening the Plaintiff's pro se Complaint (ECF No. 1) consistent with Congress's mandate, finding he does not name the state actors he sues and does not otherwise plead a fact basis for his claims, and for reasons in today's accompanying Memorandum, it is **ORDERED** we:

1. DISMISS with prejudice:

- a. all claims for a pardon or sentence commutation;
- b. all claims for damages under the Pennsylvania Constitution;
- c. all claims for damages against the Parole Chairman in his official capacity;
- d. Eighth Amendment claims;

2. DISMISS without prejudice:

- i. Challenges to the parole detainer;
- ii. Fourteenth Amendment claims against the Commissioner and the Director in their official capacities;
- iii. Fourteenth Amendment claims against the Commissioner, Director, and Chairman in their individual capacities; and,

iv. State law reckless infliction of emotional distress; and,

3. **GRANT** Plaintiff leave to file an amended Complaint alleging claims not dismissed with prejudice consistent with the Law and the accompanying Memorandum by no later than **June 17, 2024** or we will direct the Clerk of Court to close this case.



KEARNEY, J.